

The Nation.

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The Week.

CONGRESS has accomplished little during the past week, except with the appropriation bills, the amounts appropriated in which will, it seems, not vary greatly from those of last year. The New York petition, signed by influential merchants, bankers, and other business and professional men, has been presented by Mr. Conkling in the Senate, and his speech made on the occasion has caused a good deal of satisfaction from its moderate tone, though it was no secret before that Mr. Conkling's position was an eminently moderate one. On the other hand, Mr. Wright of Iowa has made a speech in advocacy of a bill providing a court for decision of disputed Presidential elections, in the course of which he took extreme ground in favor of the authority of the President of the Senate in the electoral count. Last March Mr. Wright advocated Mr. Morton's bill, which was exactly the other way, and thought that the presiding officer had nothing to do with the matter. Both Houses have had the case of a recusant witness before them, the Senate having to deal with Turner, the Florida telegraphic manager. A debate on his refusal to answer the questions propounded to him with regard to despatches passing through his office ended in a vote of 23 to 2 that he must answer; but no quorum being present the matter went over. The Senate Committee on the Oregon dispute have had Governor Grover before them, but seem to have made little out of him as a witness, the Governor proving pretty clearly that, whether right or wrong, he had a respectable body of opinion on the side of the course he took, and that in all matters of technical regularity the Democratic electors have the best of the argument.

In the House Mr. Fernando Wood, having by means best known to himself got hold of the New York petition, which was entrusted to the care of Mr. Willis in the House and to Mr. Conkling in the Senate, formally presented it, and Mr. Willis presented it in regular order on the succeeding day. A bill granting pensions to soldiers of the Mexican, Black Hawk, and Florida wars was made the occasion of a very small political sensation, some of the extreme Southerners seeing no reason why the measure should exclude ex-rebels, and Mr. Hewitt explaining that otherwise it could not pass. The Colorado case has also come up, the majority of the committee (composed of such men as Knott, Lord, Lawrence, Frye, and Hoar) reporting that, all the conditions for admission having been complied with, Colorado is a State, and that the Colorado "claimant," Mr. Belford, should be admitted. The minority reported that Colorado is not yet a State, but that it ought to be admitted; both reports were recommitted. Barnes, the recusant telegraph manager from New Orleans, was arraigned at the bar of the House to answer for his contempt; but nothing beyond the reading of a long answer, prepared by counsel, and the reference of the whole matter to the Judiciary Committee (Barnes meanwhile being remanded to the custody of the Sergeant-at-Arms), was accomplished.

Cronin, the now celebrated Oregon elector, was examined last week before the Senate Committee on Privileges. His testimony contained nothing particularly new. He said that on the morning the Electoral College was to meet he went to the room of the Governor's private secretary, and saw that his name was being inserted in the certificate, and only heard the previous day that Governor Grover was going to give him the certificate. The certificate was handed to him in the room of meeting by the Secretary of State, and he put it into his pocket, fearing it might be taken from him. He read the certificate to the Republican electors, but did not lay

it on the table, and called on them to act with him, to which they made no answer, and he took their silence as a refusal to act with him, and had Messrs. Miller and Parker waiting outside the door in preparation for this contingency. He then called them in, showed them the certificate, and appointed them. He was appointed messenger to bring the returns to Washington on the same day, but asked in the evening to be allowed to resign, as he could not afford the expense of the journey, having already spent \$1,500 during the campaign, and being only a lawyer with a practice of \$5,000 or \$6,000 a year. "Several prominent Democrats" who were present then asked how much his expenses would be, and he put them at \$3,000, because he would have to neglect his law business, and they then agreed to make it up for him. An attempt was next made to show that Tilden had sent a considerable sum of money to Oregon for political purposes, through a mysterious man named Patrick, and it appeared that the witness received his expenses not in money but in drafts on New York and San Francisco. Turner, the manager of the Western Union Telegraph at Jacksonville, refused to say whether \$8,000 or any other sum had been transmitted by telegraph to the bank which gave Cronin his expenses.

The news from the disputed States is that in Florida the Democratic State government has been put in possession, all parties acquiescing in the result; in South Carolina, Chamberlain's government gets no support from the people, while Hampton is being made more secure by voluntary adhesions, and by his use of the money received by voluntary taxation for the payment of the most urgent claims upon the State. In Louisiana, matters are much more lively, as the Democrats have resolved not to be content with the dumb show of a *de jure* government. On Tuesday a heavy armed force appeared in New Orleans as militia summoned by Governor Nicholls, and in the course of the day gained possession of all the police-stations and court-rooms, installing the Democratic judges in the Supreme Court, captured the State arsenal, and blockaded the State-House, which contained Governors Packard and Kellogg and the Republican Legislature. As we go to press the situation is unchanged. The besieged Legislature, through the defection of Warmoth and his friends, are left without a quorum and can transact no business. It is a question whether they are sufficiently provisioned to maintain themselves long without surrendering the building. Governor Packard promptly called on the President for troops, but instructions have been given to General Augur to interfere only to preserve the peace; and as no use has yet been made of fire-arms, and as Governor Nicholls has by proclamation urged his adherents to disperse without violence, it is to be hoped that the struggle will lead to no bloodshed.

Among the noteworthy expressions of opinion on the Presidential question during the past week has been a letter of Senator Gordon to the Governor-elect of Georgia, in which he says that none of the plans put forward for "counting in" Hayes have any color of law except that which gives the President of the Senate the power to reject or count the votes of States, and this will not hold water. If he has the exclusive power to count, and count simply, he must include the Cronin vote, and this will give Tilden the required 185. If Congress has the power to go behind the count, and Florida and Louisiana are given where they are due, Tilden has 196 votes, and is elected. If the Twenty-second Joint Rule is readopted, the House alone can throw out Louisiana, Florida, and South Carolina, leaving Hayes only 166 votes. If Morton's bill is passed, Tilden will be elected under it. If, in case of the rejection of the votes of one or more States, only a majority of electors legally chosen is called for, Tilden is also elected. In fact, as Mr. Gordon puts it, no matter what happens, barring a break in the uniformity

of nature, Tilden will be elected. He does not believe the Republican managers will have the hardihood to attempt to "put the thing through" by the use of the public force. But, then, he probably had not seen the report of an interview with the eminent Frye of Maine, who says the whole matter is plain as a pikestaff. On the appointed day the President of the Senate will lay all the certificates before him on a table; he will know which are the true and which the false ones, and he will only open the former. He will refuse to hear any motions or objections, the count by him being the only business in order. He will find that, "on a fair count," Hayes is elected, and he will so declare. The declaration once made, it will become the solemn duty of Grant, Cameron, Chandler, and the rest of them to see that he is inaugurated. They would compromise if they could; but how could they, when it is their *duty* not to compromise? Then, if anybody opposes the inauguration by force, they will have to kill him, either with steel or firearms. If anybody does not like this programme, so much the worse for him. He ought to like it, and should struggle with his corrupt nature until he *does* like it.

Judge Campbell, formerly of the United States Supreme Court and now of New Orleans, has also written to Senator Bayard an opinion which appears to represent the Southern legal view. He reviews the discussion of the electoral machinery in the Convention, and comes to the conclusion that the counting power belongs not to the President of the Senate, but to both Houses of Congress in joint session. But to make any acts in the count valid they must agree. If they cannot agree, there is no election, and they must separate and proceed in the manner prescribed by the Constitution in case of a failure to elect, the House to choose the President and the Senate the Vice-President. As to the question at what time the Houses may determine that their difference of opinion is irreconcilable, the answer is that they must determine it themselves, as in other cases. The letter ends with a severe castigation of Chandler, Cameron, and Taft for their conduct during the canvass, to which we wish we knew that these gentlemen had any defence. Mr. E. W. Stoughton, of this city, who was one of the "visiting statesmen" at New Orleans, has also written an opinion addressed to the daily papers. Mr. Stoughton takes the ground that the framers of the Constitution assumed that the President of the Senate would be an officer of such dignity and character that he could be safely trusted with the duty of counting the votes; that it is his duty and that of nobody else; that the two Houses witness the count simply as spectators; that the Democratic theory that either House by withdrawing may stop the count is absurd; that the returns of Returning Boards, be they honest or not, are final; that the Twenty-Second Joint Rule was unconstitutional, mischievous, and ill-judged, and ought not to be revived; and that any attempt to prevent Mr. Ferry's counting the vote in February will be revolutionary; and that all bargains or compromises are not to be thought of—all of which the *New York Times* says is as true as gospel. Mr. David Dudley Field, who has just been elected to Congress in the place of Mr. Smith Ely, the mayor, and will reinforce the Democratic ranks in the next House, has also published a pamphlet in which he takes the ground that the two Houses have complete power over the whole matter, and that what "the two Houses do not agree to cannot be counted." In fact, we are able to reveal to anybody the opinion of any particular jurist or politician upon the law of the count, on receiving his full name and the name of the candidate whom he supports for the Presidency.

Of the way in which the count is destroying all self-respect among our public men a striking illustration has just occurred in the case of Mr. Wright in the Senate, who last week "supported Hayes" in a speech by which he ate his words of ten months ago on the Morton bill in the most unblushing manner, and another is the way in which a number of his colleagues who supported the Twenty-Second Joint Rule for several years now denounce the principle of it

as wild and wicked. Another still, and a very disagreeable one, presents itself in the case of the Frye, Hoar, and Wheeler minority of the committee which two years ago enquired into the doings of the Wells Returning Board in 1874. They reported that "the so-called canvass" made by these worthies "in the interest of Kellogg seemed to them to have no validity, and to be entitled to no respect whatever." In fact, they reported that Wells and his companions had made up a majority for Kellogg without any authority of law, though they refused to call it cheating because they said it was done with good (philanthropic) motives, and with a mistaken view of their own powers, and they warned the country of the danger of having the Presidential election turn on the decisions of such a body. Messrs. Frye and Wheeler are, however, now "supporting Hayes" by declaring that they discovered nothing in 1875 to shake their confidence in the Board or make people distrust it even when it decides a Presidential contest, and they are giving Wells a certificate of character, though they know that General Sheridan discovered him to be a rascal, and that he (Wells) swore in 1874 to intimidation in a parish from which he was absent on election day. The reason Mr. Wheeler now gives for expecting the American people to accept a President calmly from Wells's manipulation of returns is, "that he (Wells) was a faithful Union man who was hunted with dogs through the swamps by the rebels." But Mr. Wheeler knows in his heart that this will not do. He is nearly sixty years old, and knows that many a "faithful Union man" was a great scoundrel—Scott and Parker, of South Carolina, for instance. We warn Messrs. Frye, Wheeler & Co. to beware of tergiversation and equivocation and all forms of double-dealing. People were never less patient with it than at this moment. Neither they nor anybody else can whitewash Wells and his confederates now. It is too late.

The Massachusetts Senatorship seems at present to lie between Mr. Boutwell and Mr. Hoar, with the chances in favor of the former, owing to the influence of Butler. Mr. Hoar is, of course, the candidate of respectable Republicanism, and respectability, of either party, has lately received a heavy blow in the success of the Democrats in the Boston election. The election would probably have been carried, as it frequently has been before, by the Citizens' candidate, but the Custom-house managers got out a split ticket of their own, containing the name of the Democratic candidate for mayor, Mr. Prince, and so elected him. The impression among the "Citizens" at the time was, that this action was intended as a rebuke to the "Silver-tops," or, as we should call them, the "Swallow-tails," by the "Short-hairs," and an intimation that the latter were not going to tolerate any longer having a city government carried on by citizens, or taxes being voted by tax-payers, or ordinances being passed by those who were interested in their enforcement, or any other nonsense of that sort. Whether this alliance between Butler's Custom-house forces and the Democrats means anything more than this it is difficult to say, but it all looks as if it would be safe to expect combinations of a similar sort to be tried elsewhere. An attempt, by the way, has been made to explain the election of the Massachusetts delegation to the next Congress—universally admitted to be, on the whole, the weakest the State has ever sent—by the statement that several of the representatives (Butler, for one instance) were elected by the votes of the foreign-born operatives of the manufacturing towns, and that they are not, therefore, really representative of the people of Massachusetts. However this may be, we desire to inform the politicians of that State that this excuse will not avail them if Boutwell, or any one of like characteristics, should be sent to the United States Senate by the present Legislature. Of the forty members of the present Senate no less than thirty were born in the State, and of the remainder seven were born in New England, three only being foreign-born. The House contains 240 members, of whom 212 are of Massachusetts, or, at least, of New England birth. We doubt if any other Northern State can display an equal proportion of native-born members in the State Legislature—a reflection which should have some effect in encouraging the Legis-

lature, in its coming choice of a Senator, to cut loose from the trading set of politicians who seem of late to be in control.

Cornelius Vanderbilt died at his residence in this city on Thursday last, at the age of eighty-two. This event had been so long expected that when it actually occurred it made none of the stir in the stock market the expectation of which has been the dishonest cause of so many false reports. In rapid succession the three New York citizens distinguished for their unusual wealth have died; but Vanderbilt was something more than a collector of wealth. There was probably a great deal of truth in the remark attributed to him in early life, that he did not care for money but wanted to carry his point. Through his long career he always used his immense wealth as a source of power, which he often wielded with an iron hand. The son of a farmer in moderate but comfortable circumstances, he early entered upon an active career; beginning as the owner of a small sail-boat, he in turn became a steamboat captain, a steamboat owner, a manager of great steamship enterprises, and finally the largest railroad owner that this continent has seen. His whole life was that of a hard-working, clear headed, determined business man. His early education was scanty, and he had few of the refinements of culture; his language was always illiterate and often profane. In his business transactions he was overreaching and exacting, often availing himself of questionable practices; his standard of honor was one which had little regard for his adversary, but it was nevertheless a real standard and one to which he adhered. The stockholders of his railroads felt that their rights were in safe hands, and of the great profits made by his combinations they received their proportionate share. He carried the system of watering stock to an extent which was almost without precedent, but the new stock was distributed as a dividend to all the stockholders, and never used, as has been done by other railroad managers, to cover the "shorts" of his own unfortunate speculations. He was a kind of man whose like we should be sorry to see many of—the typical result of strong character developed by energy and perseverance to the highest point of business success, but softened by no æsthetic taste and tempered by no other refinement than that which is innate in every brave and determined man. His great defect was his want of education, and his worst faults were the natural results of the circumstances which surrounded the first thirty years of his life. That he emerged from these circumstances to be the man that he was, is the only fact from which we can judge what mere liberal associations might have made him.

The price of gold expressed in our paper currency has fallen during the week to 105½, which is the lowest price since June 14, 1862. Aside from the strong speculative influences which are ranged on the side of depressing the price of gold, there continue at work such reasons for the decline as, first, the enormous stock in this market, which, since the January payments of the Treasury, has run up to \$40,000,000; and, secondly, the limited demand, which is now (and must be until there is an export demand) confined to what is wanted for customs payments. According to statistics compiled by the Wells, Fargo & Co. Express Company, the sole carriers of the gold and silver product of the Pacific States, the total gold product of mines west of the Missouri River amounted during the year 1876 to \$44,328,501, which is more than was produced in any year back to 1870; the largest yearly gold product on record was \$65,000,000 in 1853. The silver product for 1876 reached a total of \$41,506,672 against \$34,043,910 in 1875 and \$28,352,100 in 1873, then the largest yearly product on record. The foreign-trade figures showing the commerce of the whole United States for the first eleven months of 1876 (which have appeared for the first time during the week) throw some light on the gold movement between this and other countries. The total merchandise imports (exclusive of specie) during that time amounted to \$395,301,484, against \$471,838,161 during the corresponding months of 1875. The total exports (exclusive of specie) amounted to \$517,355,917, against \$452,903,564 for the

first eleven months of 1875. In short, the imports, exclusive of specie, were decreased \$76,536,677, and the exports were increased \$61,392,353. It will be seen from this outline that all the material conditions for bringing about resumption in 1879 are exceptionally favorable. It may be said to rest wholly with the Government whether we have resumption then or not. As good if not better opportunities, however, have before been wasted by the Government. The old value of the United States legal-tender note for one dollar was at the close of the week \$0.9456. The gold value of the 412½-grain silver dollar at the close of the week would have been \$0.9551 with silver in London at 57½d. per ounce English standard, and \$1 23½ per ounce 1,000 fine here.

The foreign news of the week has consisted mainly of the story of the negotiations at Constantinople. The Turks, early in the week, were reported to have refused to discuss the question of an international commission to superintend the reforms, and the question of a foreign gendarmery, and of the use in the tribunals of the language of the majority of the inhabitants of each province, and the Turkish representatives were accorded a delay until Thursday to enable them to make up their minds. Their obstinacy seems to have taken the Conference by surprise, and to have prepared it for summary measures. There are, of course, all sorts of speculations, mostly absurd, as to the cause of their courage. One is, that it is due to their knowledge of the failure of the mobilization of the Russian army, which leads them to believe that they can fight Russia themselves; another is, that "the Jews" have agreed to supply the Porte with money and see it through its troubles, out of exasperation caused by the treatment experienced by the Jews in Rumania. But the fact is that the Russian mobilization, though attended with great difficulties and evidently revealing great defects of organization, is by no means a failure, and anyhow the notion that if Russia once engages in a fight with Turkey she will give in till she brings Turkey to her knees is ridiculous. The Turks, of course, know also perfectly well that they have their best army in the field and have no reserves, and that in fighting on their own soil they are literally operating in an enemy's country. As to "the Jews," if they were in the habit of lending money out of spite to such concerns as the Turkish Government, they would long ago have ceased to have any money to lend. The real source of Turkish obstinacy is undoubtedly natural stubbornness and fondness for "the last ditch," of which they have plenty, and coupled with a faith, which the history of the last fifty years has abundantly justified, that the combination would in some manner be broken up before the worst came to the worst.

Their refusal caused the European members of the Conference to pack up and prepare to quit Constantinople, leaving their respective legations to charges. On Tuesday week and Wednesday the Turks deliberated and got up counter-proposals, which they submitted to the Conference on Thursday, and the Conference made some alterations in their own programme, such as modifying the International Commission and foreign gendarmery, and confining the Turkish troops to certain garrisons; but this would not satisfy the Porte, and the deadlock came, with the advantage apparently in favor of the Turks, owing to the Russian minister's desire to gain time. The London *Times* correspondent at Constantinople, a very good observer and strongly pro-Russian, acknowledges that Russia is not ready to declare war, a fact which probably makes itself known through Ignatieff's demeanor, and probably embarrasses him in pressing for the final decision. In the meantime, the treatment of Rumania, in the Vizier's late note, as a portion of Turkish territory whose integrity was not to be meddled with, has given much offence at Bucharest, and led to a protest, which drew an acknowledgment from the Porte that the Principality was substantially independent, and that the reference to it as part of Turkey was Pickwickian.

WHAT IS OUR DUTY TO THE NEGRO?

MR. RICHARD H. DANA, Jr., has a lucid article on "Points in American Politics" in the last number of the *North American Review*, in which he discusses the present difficulty in the election of the President, civil-service reform, seats of Cabinet members in the two Houses, the resumption of specie payments, and the relations of the Republic to the States lately in rebellion, in such a way that it can hardly be read by anybody at the present crisis without considerable profit. It will be found particularly useful to many Republicans as an aid in clearing their heads of the rubbish shot into them during the late canvass by the party orators and newspapers, and in enabling them to recall what the Republican creed was, is, and must continue to be. The writer is particularly strong and clear in his views with regard to the condition of the Southern States. He also condemns in strong terms the reckless and hasty assumption of the police of those States by the Federal army on the demand of the carpet-baggers, and the use of the troops in the organization of State legislatures.

This is all good; but at the close he has the following paragraph:

"The Republic must keep faith with the negro. For this, force—civil certainly, military possibly—must be used. The Republic must also respect the right of the States to manage their internal affairs, and to furnish their own police and militia for the preservation of order. It ought also to allow the white men of the South, who still furnish for the greater part of its education, its influence in the commonwealth, and its political capacity, to attempt to regain their control of affairs, irrespective of their having been once rebels; but they must understand that no part of the pecuniary consequences of their rebellion is to be shifted to the shoulders of the Republic."

Now, the first sentences in this paragraph have the vagueness of most of the late Republican writing on this subject, and if we said that this vagueness lay at the root of the failure of the party with regard to the South, and was the cause of a great deal of the recent disorder both in legislation and administration, and that it was, as long as it lasted, likely to prove the bane of our politics, we do not think we should be guilty of exaggeration. Hazy talking is said to be the sign of hazy thinking; but in this matter we believe hazy talking has produced and is perpetuating hazy thinking. When the British minister says that Parliament will protect the rights of the blacks in Jamaica or Barbadoes, we know what he means; he means that Parliament will do anything which seems necessary for the purpose—that is, he will set up any form of government, from martial law to a democratic republic, which seems most likely to accomplish the desired object, and he will change the form of government whenever he pleases. So, also, when the Governor-General of India says he will see that the ryots are not oppressed, we know what he means; he means that he will do that which seems proper to him and the Council, and which an army of 300,000 men can carry into effect and the Home Government will approve of. Or when the Emperor of Russia says he intends to protect the Turkish Christians, we know what that means. In all these cases the protecting power has a practically boundless field of experiment open to it. It may do whatever it is physically able to do.

But when an American publicist says that "the Republic must keep faith with the negro," and that for this "force—civil certainly, military possibly—must be used," what does he mean? The idea which inspires his remarks is running through the heads of the great mass of the Republican voters. It has powerfully influenced the late Presidential election; it will doubtless influence others. It is a respectable idea; but what duty does it impose on the Government, and how is that duty to be executed? We have given the negro all the usual guarantees of citizenship under our Constitution. He has the electoral franchise on the same terms as the white man; he is eligible to all offices; he has equal standing in the courts. When all this has been done for a man in the United States, what more can be done? What more are we prepared to do under our system of government? We do not say that we are not prepared

to do anything more, or that nothing more ought to be done; but we do say that every politician ought now to be ready to answer these questions, not in terms of philanthropy or theology, but in terms of law, and that the Republican party ought not to be allowed to go on one year longer with a misty sense of guardianship towards the negro, but without any clear or defined idea of the legal duties of the relation or of the manner of performing them. For instance (there is nothing like details in these matters), if the negro is frightened from voting at all or from voting against the white men, or if he is frightened from seeking redress in the courts for injuries to person or property, what are we going to do about it besides making speeches or writing articles? Are we prepared to enter on a course of exceptional legislation with regard to the Southern States, for the benefit of the negro? If so, are we prepared to establish the precedent that the general Government may single out certain States for exceptional legislation, whenever the majority in Congress may think it necessary? If not, are we prepared to make the enormous addition to the powers of the central Government which would be necessary to enable it to see that every man in *any* State could vote with perfect independence, and profit by all legal remedies, even when he was too timid or corrupt to wish to vote, and too poor or ignorant to be willing to go to law? Are we prepared to arm the Federal Government with complete police powers over *all* the States, by giving its courts unlimited jurisdiction, and Congress unlimited rights of legislation? If so, let us have no more vague talk about it. Give us the proposal in black and white, and let us discuss it.

For our own part, we say unhesitatingly that if we have to choose between the caricature of constitutional government which has been carried on at the South since 1865 and a frank abandonment of the theory that the Southern States are States in the Union; between sham State government and the government of colonies, like India or Algeria, we vastly prefer the latter, and that we are totally opposed to the plan of disguising the nature of the late proceedings in South Carolina and Louisiana with the phrases of moral philosophy. We desire to have them hereafter described in legal terminology, so that when a man talks to us of our duty to the negro or the rights of the negro, we may know exactly what he means. We think the liberties of the North could be preserved even if the Republic had dependencies to govern, even if it were laid down that every State having more than a certain proportion of colored men in the population should be treated as Territory simply and ruled arbitrarily, because in that case the distinction between arbitrary and constitutional rule would be clearly marked, and people's minds would not be confused by seeing frauds perpetrated against constitutionalism in Columbia under the very forms which in Boston are used for its protection. It would not be a very dangerous thing to see a legislature sitting in South Carolina as one might sit in Jamaica or Barbadoes, under permission of the officer commanding the garrison, if that were the law; but it is a dangerous thing to see one sitting in South Carolina which purports in law to be in all respects the legal equal of that of New York or Massachusetts, and yet may have the qualifications of its members determined by a corporal's guard, and admission to its hall regulated by a brigadier. These things have been done at the South, ostensibly for the protection of the negro. Is this what we mean by "using force to keep faith with him"? If not, what do we mean?

During the late canvass the arguments of the Southern Republicans consisted almost exclusively of stories of outrages on colored men. They had not one word to say for their own legislation or administration, although they had been in possession of the government in several of the States. They confined themselves to showing that a great many murders and assaults had been committed under their own rule in defiance of their own courts, police, and militia. Now this would be a perfectly good argument in favor of military government, or in favor of the reduction of the States in which these things occurred to a Territorial condition and the assumption of full

police powers by the Federal Administration. But nothing could better illustrate the bewildered, not to say muddled, state of mind into which we have got on this subject, than the fact that the argument was seriously used not in favor of any change but in favor of the indefinite prolongation of the *status quo*—that is, the maintenance in power of the very men who had failed to preserve order or protect life or property. How is it that a practical people like that of the North has been able to listen with grave countenances for a whole summer to governors and sheriffs and judges crying out, "We cannot arrest robbers or murderers; they do not mind us, and the State is full of them; we cannot afford the least protection to life or property. The thieves refuse to be honest; the turbulent refuse to be orderly; the criminals will not come into court to be tried; the coroners will not hold inquests, and the tax-payers will not pay taxes; therefore God only knows what will happen if we are not re-elected. The colored man lives in mortal terror, and is and has been without the smallest protection for life or property ever since we came into power. Picture to yourselves what his condition will be if we go out of power."

Not only, however, have these arguments been listened to gravely, but they have been effectual in inducing good people at the North to desire heartily the success at the polls of the carpet-bag politicians, as a matter of great national importance. But more than this; there were tens if not hundreds of thousands of persons whom stories of Southern outrages caused to vote for Hayes, without ever reflecting for five minutes on the question whether Hayes's election would put a stop to outrages, or, in fact, considering in what manner, if at all, a Republican triumph at the North was connected with the condition of the South. The outrages made them angry with the Democrats, and so they voted the Hayes ticket, but never asked themselves in what way Hayes would accomplish what Grant had totally failed to accomplish, or why a South Carolinian or a Mississippian, who had proposed to himself to murder a negro, should abandon his design on hearing that there was to be another Republican President in the White House. For instance, Governor Chamberlain, in South Carolina, used the Hamburg massacre with great effect in the late canvass. He based on it a letter to the President asking him to get the troops ready, as he would most likely need them, although the persons accused of participation in the massacre had been arrested and promptly indicted, and he himself had not tried, as a Northern Governor would have tried, whether the civil force of the State was or was not sufficient for the punishment of the crime. This massacre probably confirmed tens of thousands of wavering Republicans in their allegiance to the party. The criminals, however, have not been brought to trial; so far as we can learn there is no talk of bringing them to trial. The District-Attorney passed his summer on the Chamberlain stump. In other words, the massacre having served its electioneering purpose, no attention was given to the enforcement of the law. The prosecuting officer neglected his duty, and the governor made no attempt to make him do it. The same thing occurs again and again in the carpet-bag States. Now, is it "keeping faith with the negro" to use our influence to keep in power officers who in this gross manner fail to afford him protection? And is it a proper use of military force to lend it to these men to enable them to maintain themselves against the just indignation of the communities which they betray or defraud? If our military and civil force may not be properly used for these things, for what things is it to be used?

THE TEXAS-AND-PACIFIC JOB.

WHILE the attention of the public is generally absorbed by the Presidential question, and withdrawn to an unusual degree from other matters of national interest, the advocates of the Texas and Pacific Railway Bill are taking advantage of the screen which has been so unexpectedly provided to conceal their manoeuvres, and, with considerable confidence in the success of their efforts, are expecting an early and favorable report from the Pacific Railroad Committee, and will press the question to a vote within a few

weeks. The bill is understood to be substantially the Atkins Bill of the last session, which provides for the funds needed to construct the road by giving the guaranty of the United States Government to the company's first-mortgage bonds. The route of the Texas and Pacific Railway is that commonly known as the Thirty-second Parallel line, extending from Shreveport on the Red River to the harbor of San Diego in Southern California, a total distance of 1,675 miles, of which 218 miles at the eastern end, from Shreveport to Fort Worth, are now in operation. At the last session of Congress a powerful opposition was raised by the Southern Pacific Railroad Company of California, which has nearly completed its road from San Francisco to Fort Yuma, in the extreme southeastern corner of the State, where it will connect with the Texas and Pacific Railway at a point 270 miles from San Diego. This company, whose president was the vice-president of the Central Pacific Railroad, offered to extend its road eastward through Arizona and New Mexico till the connection should be made with some road to be built from the east, without the aid of any Government guaranty, provided the land-grant already given to the Texas and Pacific Railway should be transferred to it. It was argued, however, with considerable effect in behalf of the Texas and Pacific Railway Bill that this Southern Pacific Railroad Company was but another name for the Central Pacific Railroad Company, and that the construction by it of the southern line across the continent would only strengthen the monopoly which now controls the northern route and nearly the whole railway system of California; that the breaking of this monopoly, by securing another railroad to the Pacific, independently owned, was so important as to call for the financial aid of the general Government. It is now understood that these two interests, which were apparently so antagonistic, have come to an agreement; the California corporation no longer offers to extend its road eastward for a simple land grant, and the Texas and Pacific Railway Company asks that the Government guaranty be given to the bonds of a railroad from Fort Worth to the Pacific, the western part of which is to be built by the same California corporation which a few months ago was so terrible a monopoly that Government aid was invoked to prevent its extension. The revised bill is understood to provide for a branch of the Southern Pacific Railroad of California to San Diego, and for an extension of that road to a connection with the Texas and Pacific Railway in New Mexico, for the completion of the last-named road from Fort Worth to this junction point, and for branches at the eastern end to Vinita, Memphis, Vicksburg, and New Orleans; the bonds of this entire system of roads to be guaranteed by the United States Government. A cooler proposition it would be hard to conceive of.

It is not our purpose to discuss the general question of Government subsidies, but to point out the peculiar features of this case. The Texas and Pacific Railway is now in operation to Fort Worth, the Southern Pacific Railroad is nearly completed to Fort Yuma on the Rio Colorado; the distance between these two points, according to the Texas and Pacific surveys, is a trifle less than 1,200 miles. In these times of low prices \$30,000,000, or less than twice the amount expended by a single city to secure railroad connection with the Southern States, is a liberal estimate of the cash cost of construction. The Texas and Pacific Railway has now 442 miles in operation, the distance from San Francisco to Fort Yuma is 725 miles; this is about one-half of the whole, and has been accomplished with the aid of no Government money. One-half of the unbuild 1,200 miles is in the State of Texas, and this State, ever bountiful in the disposition of its public domain, has given to this road a liberal land grant, which, unlike the grants to other Texas railroads, is within a sixteen-mile reservation along the surveyed route. With such inducements and so much of the work already accomplished, private capital would soon be interested to complete the whole. The Atkins Bill provides for the issue of five per cent. gold bonds at the rate of \$40,000 per mile, secured by a mortgage of the 1,400 miles of railroad from Fort Worth to San Diego, the interest to be guaranteed by the United States Government, which is to retain \$5,000 per mile of these bonds to meet interest charges during construction

and provide for future betterments. The issue of bonds under this provision would be over \$75,000,000, or about double the cash cost of the 1,200 miles necessary to complete the connection across the continent, and this amount it is now proposed to give to secure a connection with a road which less than a year ago offered to build one-half of the unbuilt link without a dollar of Government aid, and which is under the same control as the existing line to the Pacific.

If, however, nothing more were asked than a guaranty of the bonds of the unbuilt trunk line the scheme would be comparatively harmless; though the precedent of a Government guaranty is of the most dangerous character, there are fair grounds for believing that the road would earn the interest on its bonds and that the Government would sustain no pecuniary loss. The bill, however, provides for four branches from different points on the eastern part of the line, which are about to be built by Government credit, and which can expect but a small share of the business that may render the main line profitable. East of Fort Worth the Texas and Pacific Railway has a double line; it may be briefly described as a parallelogram of railroads, the longer sides of which run nearly east and west, and the shorter sides have a northeasterly course. Fort Worth is at the southwest, Sherman at the northwest, Marshall at the southeast, and Texarkana at the northeast corner; a spur 40 miles long extending eastward from Marshall to Shreveport completes the system east of Fort Worth. All of this is now in operation except the 82 miles which form the westerly side of the parallelogram from Sherman to Fort Worth. At Sherman and Dallas (32 miles east of Fort Worth) connection is made with the Houston and Texas Central Railway, which gives an all-rail line to the Gulf, and, through its northern connections, to the railroad system of the Northern States; at Texarkana connection is made, through the St. Louis, Iron Mountain, and Southern Railway, with the railroad system of the Eastern and Southern States.

The first branch provided for by the bill is to leave the main line at Double Mountain, 209 miles west of Fort Worth, and to run northeasterly through the Indian Territory to the present terminus of the St. Louis and San Francisco Railway at Vinita. This branch will be 436 miles long, and the bill provides for a guaranty of its bonds at the rate of \$35,000 a mile, an aggregate of over \$15,000,000. Fort Worth and Vinita are already connected by rail by way of Dallas. The proposed branch will establish no new connections whatsoever, and it will run for the greater part of its length through a country where trade and settlement are forbidden by law. The distance from Double Mountain to St. Louis by way of Sherman and Texarkana is 935 miles, and by Sherman and Vinita 885 miles; by the proposed branch to Vinita it would be 800 miles, the differences being about the same as those between the several routes from New York City to Cincinnati. This branch could have no local business, and but a trifling share of the through-business. It could not earn the interest on its guaranteed bonds, and the guaranty would be simply the payment by the Government of \$15,000,000 to build, in the words once happily applied by the president of the Texas and Pacific Railway to the railroad now running through the Indian Territory, a tunnel 400 miles long.

The second branch provided for in the bill is to run from the eastern terminus at Shreveport to the city of New Orleans. The length of this branch will not be less than 320 miles, and the issue of guaranteed bonds, at \$35,000 a mile, will be more than \$11,000,000. The Houston and Texas Central Railway, in connection with Morgan's steamship and railroad line, already furnishes a convenient freight and pleasant passenger connection between the Texas and Pacific Railway and New Orleans. Moreover, the distance by the surveyed railroad line from Houston to New Orleans is but 335 miles, of which 171 are already constructed, and preparations are now making by parties of financial solidity for the completion of the whole. Besides this, the Houston and Texas Central Railway is now extending its Waco branch to Weatherford, on the line of the Texas and Pacific Railway, twenty-eight miles west of Fort Worth. This continuous rail line from New Orleans to Weatherford, 630 miles long, will be completed by private capital before the

line across the continent can possibly be finished. To open a second line, which cannot be more than sixty-five miles shorter, the Government is asked to guarantee \$11,000,000 of bonds of a road which can take but a trifling portion of the business of the trunk line.

The third branch provided for in the bill is to run from Shreveport to Vicksburg; its length will be 170 miles, and the issue of guaranteed bonds about \$6,000,000. Of this distance 72 miles, from Vicksburg to Monroe, are already in operation, but the bill, with its usual liberality, provides for the *purchase* as well as the construction of such railroads as may be needed to form a part of these branches. There is now a continuous line of railroad from Monroe, through Vicksburg, Montgomery, Atlanta, and Richmond, to New York City, more than 1,300 miles, and with the prospect of 2,100 miles of railroad from Shreveport to San Francisco there can be no real difficulty in procuring the small amount of private capital needed to fill the gap of less than 100 miles.

The fourth branch provided for in the bill is to run from Jefferson, 15 miles north of Marshall, to Memphis; it will be at least 305 miles long, and the issue of guaranteed bonds will amount to nearly \$11,000,000. Of all the branches this is the one for which there is least excuse: the St. Louis, Iron Mountain, and Southern Railway is in operation between Texarkana and Little Rock, where it connects with the Memphis and Little Rock Railway, also in regular operation; the distance from Jefferson to Memphis by this route, built by the aid of Government land grants, and over which trains have been running regularly for three years, is 339 miles, while 17 miles will be saved to all through-business by taking the route from Fort Worth to Texarkana by way of Sherman. The Government is asked to contribute \$11,000,000 to provide a Memphis connection only 17 miles shorter than one already secured, the only effect of which would be to divide between two lines of railroad a business which is not sufficient to support one.

These four branches, two of which are absolutely useless, and the other two of which are but duplications of lines which private capital is sure to construct, call for a Government guaranty of \$43,000,000 of bonds, representing 1,230 miles of railroad. Whatever may be said of the guaranty of the main-line bonds being a safe one, it cannot be doubted that these branches would result only in very heavy loss to the guarantor. The total amount of bonds which the bill provides for on main line and branches would be more than \$100,000,000; the aggregate of bonds issued by the Government to secure the construction of the existing line to the Pacific, which was built in a time of inflated prices and with a subsidy which has generally been regarded as much too liberal, was less than \$65,000,000, of which only \$53,000,000 were issued to the two companies which constructed the line, 1,772 miles long, between Omaha and Sacramento.

The Texas and Pacific Railway Bill contains clauses forbidding any combination between the Southern and Central Pacific Railroad companies, and limiting the issue of bonds to the actual cost of the road. The ease with which provisions of this kind can be avoided is too well known to call for discussion; unity of action will be secured without combination, and it is not difficult to make the cost of a railroad equal to the fund appropriated for its construction.

If the bill asked only for a guaranty of \$30,000,000, a sufficient sum to secure the completion of the unbuilt 1,200 miles, there would be some reason in it; but its projectors saw that public opinion was so strongly set against Government subsidies that any such simple scheme would be hopeless; it was necessary to secure the support of local prejudice and special interests, and for this reason the 1,230 miles of branches were added to the original scheme. Each branch represents so many Congressional Districts and so many votes, and it represents so many thousand tons of iron which are to be manufactured in so many other districts which have so many more votes. The 35th Parallel interest has been secured by the branch from Vinita to Double Mountain, and the opposition interest of last year by the proposal to let that interest construct the western part of the line. That the 32d Parallel line would soon be completed by private capital, without Government aid, there can be

little doubt: but such a course would not satisfy the projectors of the Texas and Pacific Railway.

THE HOUSE OF REPRESENTATIVES AND THE TELEGRAPH COMPANIES.

IT cannot be denied at this late day that not only Congress but each of its Houses possesses certain powers not expressly conferred by the Constitution, but necessarily implied in the very existence of a supreme legislative body, which may be exercised as well against persons who are not its members as against those who are, which are semi-judicial in their nature, operation, and effects, and which are collectively termed by writers upon parliamentary law its "privileges." In this class of special functions are included the inflicting of punishment for contempts, the ordering the attendance and testimony of witnesses or the production of papers, the compelling obedience to such orders if necessary by arrest and imprisonment, and other similar proceedings by which the authority of the House is upheld and its ordinary business is facilitated. Mr. Jefferson, who, in theory, would construe the Constitution with extreme strictness and restrict the Government within the narrowest limits, maintained the doctrine that neither House has any such power, not even that of punishing contempts, until Congress shall have conferred the authority by statute; and he utterly repudiated the notion that the separate branches of the legislature have been clothed with the attributes which the common law gave to the Commons and the Lords in the British Parliament. This opinion of Mr. Jefferson, however, has never been followed in practice. Very soon after the establishment of the national Government, both the Senate and the House of Representatives assumed the authority which he condemned, and, although no enabling statute has been passed, the same parliamentary "privilege" in some one of its forms has been repeatedly asserted and enforced by each branch of Congress down to the present time. The existence of the power, which has thus been maintained by an uninterrupted course of legislative precedents, has also been established in the most authoritative manner by judicial decision. In the case of *Anderson vs. Dunn* (6 Wheaton's Rep.), the plaintiff having been arrested by virtue of an order of the House of Representatives for a contempt, brought an action against the Sergeant-at-Arms to recover damages for the wrongful trespass. The only question presented to the Supreme Court for adjudication was whether the House possessed the authority which it had exercised, and the judges were unanimous in rendering an affirmative answer. They held that the very conception of such a supreme legislature involves the existence of certain powers, partly judicial, partly ministerial, inherent in each House; that the great function of law-making necessarily includes these ancillary attributes; that these privileges confessedly belonged to the two branches of the British Parliament, and must in like manner be considered as tacitly granted to the Senate and the House of Representatives in the very act of their creation.

The doctrine being thus fully settled that each branch of Congress may under certain circumstances, without the sanction of a statute, interfere with the private citizen, may coerce his attendance and compel him to disclose facts which he wishes to conceal; may require him to produce papers, and may even punish him by arrest and imprisonment for his disobedience and for his words or acts which it pronounces to be a contempt, the practical question remains to be considered, What are the limits, if any, within which the operation of these extraordinary privileges must be confined? In England the assertion of its special functions by the House of Commons has given rise to several most interesting judicial controversies and to most profound and exhaustive discussions by the courts. There has been, of course, no dispute as to the authority of Parliament. Being controlled by no constitutional prohibitions, its unlimited power of legislation over all subjects is conceded. The most memorable as well as the most important of all the judicial contests growing out of an assertion of its privilege by the House of Commons was the case of *Stockdale vs. Hansard*, first decided in

1839. In certain proceedings pending before the House, a document was presented which severely animadverted upon Stockdale as a publisher of immoral books. This document was published by Hansard pursuant to an order of the House, which also passed the following resolution: "That the power of publishing such of its reports, votes, and proceedings as it shall deem necessary or conducive to the public interests, is an essential incident to the constitutional function of Parliament, more especially to the Commons' House of Parliament as the representative portion of it." The paper thus published containing defamatory matter, Stockdale brought an action of libel against Hansard, who set up the foregoing proceedings and resolution of the Commons as his justification and defence. The Court of Queen's Bench, while admitting the privileges inherent in the House of Commons, denied in the most emphatic manner that it was the sole or final judge of their character and extent. In masterly opinions, some of which are models of judicial eloquence, the judges declared that neither House can, without the authority of a statute, invade the legal rights of the private citizen, or authorize any act to be done towards him which the law pronounces to be a positive wrong; that the document was libellous, and that the order of the House did not justify its publication. The following principles have thus been judicially affirmed in England: that neither House of Parliament is the sole or final judge as to the nature and extent of those special powers which are collectively denominated its "privileges"; that such privileges are not without limit, but are, in fact, so circumscribed that they do not authorize or justify any direct invasion of the private citizen's legal rights; and, finally, that they are essentially inferior to the legislative function possessed by the Parliament as a whole.

So far as the special powers which we have described relate to papers or documents, two entirely distinct cases may arise which are governed by very different rules: namely, (1) the simple ordering of documents alone to be produced and laid before the House; and (2) the ordering of witnesses who are summoned for examination to produce papers for the purpose of being given in evidence or of being used in connection with their testimony either before the House itself or before a committee. For the first of these cases the following principles are well established by the Parliamentary Law of Great Britain. The motion must in its very terms particularly describe the papers which it intends to reach. The person or persons to whom the order for production is directed must be clothed with some official function or occupy some legal public position. The papers themselves which are demanded must be official in their character—in other words, they must not be mere private documents, such as letters, muniments of title, proceedings in suits, and the like. In the second case, however, the power over papers is much more extensive. Whenever a matter is under examination before the House or before a committee thereof, and witnesses are summoned to testify, they may be required to bring with them and to exhibit for purposes of evidence any writings, even those which are wholly of a private nature. The authority is co-extensive with that possessed by the ordinary tribunals on the trial of civil or criminal causes. A witness can never decide upon the materiality or relevancy of a paper which he is directed in the subpoena to bring into court. In this case, as in the first, the order of the House or the warrant issued in pursuance of it must particularly describe all the documents and writings which the witness is commanded to produce.

These principles which regulate or limit the privileges of the Commons and the Lords apply with equal force to the two Houses of Congress. But are not the extraordinary and semi-judicial powers inherent in the separate divisions of the United States Legislature still further restricted and held in check by those provisions of the Constitution which constitute its Bill of Rights? Mr. Cushing, in his treatise upon Parliamentary law, answers this enquiry in the negative, and lays down the broad doctrine that the Constitutional prohibitions are addressed to Congress only while engaged in law-making, and have no relation whatever with its special functions, which are involved in its very existence as a legislative assembly.

This distinction certainly rests upon no satisfactory principles. The power of legislation is the highest which belongs to a government. It simply expresses the absolute sovereignty of the people. It would be a strange anomaly if Congress, in the exercise of this supreme attribute, should be carefully restrained within impassable barriers contrived to protect the citizen, while a single division of it should be left untrammelled in the enforcement of the subordinate and inferior functions which were bestowed for the sole purpose of promoting the efficiency of legislative business. The privileges of the House of Commons—the representative branch of an omnipotent Parliament—cannot invade the rights of a private citizen; much more is the House of Representatives or the Senate held in check by the prohibitory clauses of the Bill of Rights.

The foregoing doctrines furnish an easy solution to all the difficulties, whether real or apparent, involved in the action of the House of Representatives or its committee concerning the production of despatches remaining in the offices of telegraph companies, whether at New Orleans or elsewhere. It is very clear that no authority exists whereby the House can compel the simple production of such writings. The despatches are not official or public documents, nor are the companies, their trustees, managers, or operators, clothed with any official functions. A sweeping order that a company should merely lay before the House all the messages on file in a certain office, or even any one or more messages however identified, would be in violation of the well-settled principles before stated. On the other hand, it is equally clear that upon the pending examination before the House, or its committee, a telegraph officer or operator summoned as a witness may be rightfully commanded to bring with him and produce in evidence the messages which are in his possession or under his control. It is no objection that such papers are private writings. There is no rule of law which forbids the production of any documents (except for special reasons which have no application to the present discussion) necessary for the administration of justice because they are private. Telegraph messages remaining in the company's office after delivery are analogous to letters which have been transmitted, received, and read by the parties to whom they were addressed. Such letters are always subject to the control of courts if they are material evidence upon the trial of issues. There is absolutely no analogy whatever between the production of such despatches left remaining in the company's office and the opening and reading of letters while in the course of transit through the Post-office. But, finally, the order of the House or of the committee addressed to a witness, requiring him to produce the despatches, must particularly describe the very ones which it is intended should be forthcoming. A general mandate without any means of identification would violate the rule of parliamentary law already quoted, and would be within the spirit if not the very letter of the Constitutional provision forbidding unlawful searches and seizures.

THE WASHINGTON RETURNING-BOARD CONSPIRATORS AND BRIGADIERS.

WASHINGTON, D. C., January 6.

THERE is no excitement in Washington. It is dull in the Senate and dull in the House, and as to the dullness there are, of course, two prevailing theories. Some Democrats, as well as some Republicans, who wish there were more Democrats of the same kind, speak of it as the quiet that precedes the storm, but to the mass of people, myself among the number, it looks like simple, honest dullness and nothing more. There is really nothing to create any feeling. Everybody knows now what everybody else thinks on the all-important subjects of who was elected, whom Louisiana went for, how much intimidation there was in the South; and everybody is tired of hearing them talked about. Besides there there is nothing in the political world to talk about, unless it be the count—and of that no one who knows anything about it talks at his ease, because, whether he is a Democrat or a Republican, he sees that by "assuming judicial functions" and declining to commit himself in any way in advance, he avoids many dangerous pitfalls. The consequence of this is that for the moment the political situation is the one thing that is not talked of, and if it were not for such Godsend as the death of Commodore Vanderbilt and the Bennett-

May fracas in New York, Washington would be at its wit's end for news. Yesterday there were strong hopes that the arraignment of the recalcitrant witness, Barnes, for contempt at the bar of the House would lead to some exciting scenes between the "brigadiers" and their opponents, and I went to the scene of action in the half-expectation of hearing the rebel yell, if not of seeing a hand-to-hand fight; but, alas! when the appointed hour arrived, and Barnes was brought in, the wretched man, instead of struggling as a martyr to the principles of privileged communications in the clutches of the Sergeant at Arms and making at least one stirring appeal from rebel tyranny to the sense of justice of an American gallery, contented himself with presenting a long and tedious document, evidently prepared by eminent counsel, but possessing no human interest whatever, the reading of which occupied at least an hour, and ended, not in lofty and inspiring debates on great questions of constitutional law, but in the reference of the whole matter to the Judiciary Committee. In the Senate nothing appears to be going on at all. The committees of course have plenty of work cut out for them, and the regular business of the session proceeds in the regular course, but one attracts almost as little attention as the other.

The petitions and memorials addressed to Congress from the large cities, begging senators and members to approach the subject of the electoral count in a judicial spirit, or in a spirit of compromise, or in a spirit tending to "harmonize conflicting views," have had, as far as one can judge here, an effect somewhat different from what they were intended to produce. Amounting, as they almost all do, to little more than a request that Congress will be virtuous and do its duty in the premises, their effect on the Republicans has been to open to them an easy way of carrying on their plans for the inauguration of Hayes, under cover of a patriotic attempt to do right whatever may happen. *Fiat justitia, ruat cælum*, is, of course, the easiest rule of conduct in the world, provided the persons who are to live by it are themselves the interpreters of what *justitia* is. The shrewder Republicans see this, and those of them who had before meant to make Hayes President in a spirit of defiance now mean to make him President in a judicial spirit, in a spirit of compromise, and in a spirit tending to "harmonize conflicting views." To them it makes little or no difference whether they do it in one spirit or another so long as they do it; and if the merchants and bankers and brokers and bank presidents will only tell them in what spirit to do it, in that spirit they are quite ready to have the votes opened and counted. Mr. Conkling's conservative speech on the presentation of the New York petition the other day has attracted a great deal of attention, but a careful examination of it fails to reveal any very definite meaning in his utterances. This so-called conservatism may prove to amount to a great deal, and may, on the other hand, count for very little. The general impression in New York has been, I know, that he was going to "rat," but there seems to be really no foundation for the belief beyond the fact that no one knows what he is going to do, and some people even doubt whether he knows himself.

The general impression here among cool people is, that the investigations and deliberations in committee, though they may settle matters of detail, will settle nothing as to the general result. It is difficult to see how they can. There are a dozen or so going on, and they have five weeks only left. A protracted investigation has been going on over the country since the 7th of November, and it has settled nothing. Why should we expect anything from the short time that is left? South Carolina, to be sure, may be conceded to have gone for Hayes; but it is clear that no such concession will ever be made as to Florida, and far less as to Louisiana. No amount of investigation will ever satisfy the Democrats that the action of the Returning Board in destroying a popular majority of 8,000 at the polls was fair, legal, or binding on anybody, and nothing will ever convince the Republicans that the State was not carried by violence and intimidation. The condition of the black population makes it perfectly easy to accumulate on both sides of any political question a mass of testimony which will perfectly satisfy the mind of any one predisposed to take a particular view of it. Besides all this, the Committee on the Electoral Count, on whose deliberations the innocent public place so much reliance, cannot reach any conclusion, because any *method* of counting they might decide upon would virtually decide the election. The moment you know how the counting is going to be done, that moment you know who is to be counted in. Therefore, as the Democrats on the committee believe that Tilden has actually been elected President, and certainly most of the Republicans that Hayes has been chosen, a method of counting satisfactory to both parties cannot be agreed upon. In other words, the method of counting involves the result of the count, and, as no agreement has thus far been possible on the one, none will be possible on the other.

If this view is sound—and it is rather a conservative Republican view

than that held by the "Conspirators" or the "Brigadiers"—it carries with it an important consequence as to the kind of influence which is likely to tell upon Congress if brought to bear for the purpose of obtaining a satisfactory result. Petitions calling upon Congress to do its duty, be virtuous, act impartially, and so on, have, as I just now said, no effect on the very great number of persons in both Houses whose minds are already made up, and really do little more than furnish them with a sort of moral cover for any operations they may have decided upon. Upon the moderate men of unsettled views they may have some little effect, but not much, because they see that a loud call upon them by their fellow-citizens to be virtuous at all hazards is precisely one of those calls which no fellow-citizen risks anything in signing, and which all fellow-citizens will gladly sign any day in the week, and all the year round, not only irrespective of party, but irrespective of facts. With all due respect to the eminent signers of the various petitions that have been handed in, I am inclined to think that they have been listened to with indifference not wholly unmingled with amusement. Under these circumstances, is there any kind of petition which would affect the minds of members of Congress? Those who hold the general views I have been endeavoring to describe would say that the only kind—if there is any kind at all—likely to have much effect would be an explicit declaration from large bodies of men who voted for Hayes that Tilden was fairly elected, or that there has been no election, or from large bodies of men who voted for Tilden that Hayes is elected, coupled with threats, not of armed resistance, but of political secession and revolt. Such petitions as this would, it is said, if not convert any extreme partisans, at least give a number of wavering and moderate men the moral support they need.

Correspondence.

ELECTING BY A MASS VOTE.

TO THE EDITOR OF THE NATION :

SIR : When events recently threw so strong a light upon a weak point in our system of choosing a President, the disgust and disappointment which were felt tended to carry men's minds towards the opposite extreme. Most of us, I think, turned to the idea of choosing by a mass vote as the best remedy, and Senator Morton has made that principle the basis of a proposed change in our Constitution.

I think, however, that consideration will show that such a change would be essentially for the worse. We must always, unfortunately, reckon upon encountering determined efforts at fraud, and our object must, of course, be to render their execution as difficult as possible. Under our present system the temptation will always be (as we have recently seen) to sway the vote of a nearly-balanced State. Under a mass-vote system, on the contrary, fraud will be directed to the rolling up of large fraudulent majorities wherever this can be most easily done, and that evidently will be in those States where one party has a greatly preponderating power. That is, under our present system, fraud is only useful where parties are nearly matched in a State, and there may be hope of overcoming a small hostile majority. Now, it is exactly under these circumstances that parties are able to watch each other most closely, are able to detect and to prevent fraud.

Under the system of mass-voting votes are equally valuable wherever they can be had. Suppose the last election to have been held upon the mass-vote system, how easy it would have been to have added ten or twenty thousand to the vote returned from a State like Kentucky! Several States could be named in any one of which it would have been easier to have returned ten thousand fraudulent votes than one thousand in Louisiana or Florida. At present there is no object to do this, but with a mass-vote system there would be everything to gain by it. Now the temptation to fraud is placed exactly where there is least opportunity; the change to a mass vote would place it where the opportunities would be greatest, and where, however large the fraud might be, the returns would be in perfect order and not open to the least objection: for the dominant party, holding every office and every position, would leave nothing open to criticism.

We undoubtedly need a change in our system of voting, but not a change for the worse, as this would be. We need an open ballot, every vote registered, and an educational qualification. Also a provision disfranchising for ever every man convicted of a criminal offence. What an anomaly that a rogue fresh from jail should have an equal voice with an honest man!

M. C. L.

PHILADELPHIA, Jan. 1, 1877.

THE PRUSSIAN ELECTORAL SYSTEM.

TO THE EDITOR OF THE NATION :

SIR : Will you permit me to call your attention to a fact in Prussian political experience which is strikingly like the result of our own experiment with the electoral machinery for President. As you are aware, the members of the Lower House of the Diet are not chosen directly but indirectly, by an election process of two degrees. For this purpose the entire male population above the legal age is divided into three classes on the basis of wealth, or, what is nearly the same thing, on the basis of the tax-roll; and it commonly happens that the first or wealthiest class is in numbers the smallest, the second the next in size, and the third the most numerous. In the legislative districts now, at the preliminary elections, each of these three classes chooses or "appoints" an equal number or one-third of the electors (Wahlmänner). The first step is thus completed. A week later the electors meet, each "college" for its own district, to choose the deputy or deputies. There is more properly deliberation than in the American Electoral Colleges, for assemblies of two or three hundred men are less amenable to discipline than a petty council of half a dozen. Rival candidates appear, and their speeches sometimes turn the result. But as a rule, and much to the surprise, doubtless, of the inventors of this system, the preliminary election decides not only upon principles but also upon persons, and the electors meet simply to register a recorded result. The Prussian primary voter is as unwilling as his brother in America to delegate his discretion even in a remote instance to another person.

In one respect, however, this system of voting—which may be called classified, not limited or partial suffrage—has worked abundantly well. It has thrown the preponderance of political power into the hands of the middle class of society, the one which, being in general better educated, wants alike the narrow bigotry and arrogance of the landed nobility and the brutal fanaticism of the town rabble. The Prussian Chamber of Deputies is much freer from extreme elements of all sorts than the Imperial Reichstag, which is a creation of universal suffrage and direct election.

The Prussian system cannot be too carefully studied by friends of constitutional reform.—I have the honor to be, sir, etc.,

H. T.

BERLIN, Dec. 13, 1876.

LOUISIANA POLITICS REVIEWED.

TO THE EDITOR OF THE NATION :

SIR : That an election in Louisiana has become a subject for endless talk throughout the country is not surprising to those who have known the history of the State since reconstruction. On the contrary, all fair-minded observers have felt that such a shameful history could have but one conclusion, and that startling to the whole country, dangerous to the whole Government.

In 1868 the Republican State ticket, headed by H. C. Warmoth, succeeded in carrying the election. The manner in which Warmoth obtained his nomination at once drove many true friends of the colored people from the field of politics. But the election was reasonably fair, and may be said to have resulted in a victory for the majority of voters. But since then no State officers have ever been elected by vote of the people. The Governor, though young in years yet a very Catiline in the audacity of his wicked schemes and his shameless defiance of public opinion, immediately entered upon a career of political crime without a parallel even in the infamous history of carpet-baggism. Under the guidance of his evil genius, government became a system of legalized plunder and fraud. It had but two objects—namely, to gather in the spoils and to perpetuate its own evil power. To accomplish the latter purpose, the elective machinery of the State was given such shape and form as to secure, in defiance of the verdict of the ballot-box, not only the triumph of the Republican party, but the election of just such men in that party as Warmoth considered best suited to his own uses. As each election approached, he gathered around him an army of unscrupulous young men, whom he named supervisors of election, registrars, and clerks. He filled the wards of the city with them, and sent them to all the parishes of the State. He dictated and they obeyed: he named the candidates and they returned them elected. Sometimes the choice fell upon citizens of the parish, sometimes upon young adventurers imported from the city for that purpose, more often upon the supervisors and clerks themselves. Sometimes these candidates received a hundred votes, sometimes a dozen. But it mattered not how many people did the voting, or whom they voted for, the men who handled the ballot-boxes did the electing, and Warmoth's candidates never failed to take their seats in the Legislature nor to occupy the other positions for which they had been named. Of course legislatures set up in this way could hardly prove otherwise than subservient to the will

of the Governor. But when a member became recalcitrant his case was at once referred to the Committee on Elections, and his seat was awarded to a more pliant opponent.

In this connection it must not be forgotten that all this was done more or less according to the forms of law. Nevertheless, the degradation and destruction of the elective franchise were complete. Politics became thoroughly debauched, public sentiment was paralyzed, honesty was laughed out of countenance, character and qualification, the influence of talent, the wisdom of years, and the power of wealth were driven from the field. The whole thing was a game of fraud, of bribery, of perjury, and of every form and species of wicked device.

In this condition of affairs came the election of '72. From the very outset it was felt that the result of the contest would not depend upon the voters but upon those who should do the counting. Hence the passage of the Enforcement Act, worked through Congress by Kellogg, then a United States Senator, hence the famous race between Warmoth and Pinchback from the North to the State capitol. Both knew that the stroke of a pen would fix the result of the election, and hence the double Returning Board. The Republican party proper was beaten, but a game of sharp practice could be played after an election as well as before it, and so they kept right on. Legislatures were instantly called together; governors were put out and put in in the twinkling of an eye; courts were abolished and established with a rapidity that would have dazzled the eyes of a professional juggler; the midnight order of a partisan judge was executed before people awoke from their morning nap; event outran event and act outshamed act with such confusing rapidity that even the most sober head lost its reckoning. What was wanting in votes was made up in affidavits. These were produced from all kinds of men; some had not voted because they preferred to stay at home, others because they had left the parish, and still others because they had long been resting quietly in the oblivion of the grave; but all alike were made to swear to affidavits, usually signed by "his mark," which declared that they had been deprived of their votes by intimidation or fraud.

In this way a foothold upon office was gained and a form of legality was given to proceedings which never could have succeeded outside of a reconstructed State. The United States Senate could not stand it, but the people of Louisiana were compelled at the point of the bayonet to stand it. In 1874 another general election occurred, and again the old election machinery was put in motion. Again the usual number of supervisors, registrars, etc., were appointed and as usual they were selected according to their knowledge of, and aptitude for, "ways that are dark and tricks that are vain." But the manifest intention to commit fraud, and the despair of securing anything like a fair election which it excited in the minds of the Democrats, hurried them on to the famous riot of September 14. Whatever other effects this riot may have had, it taught the party in power some wholesome fear, and put them more upon their good conduct in the management of the election.

This resulted in another defeat to the Republicans, but again they proceeded to do what election day had left undone. The Returning Board met and began its canvass of the returns. In spite of the dark past and the successful frauds of other days, there was a prevalent feeling that the results of the election could not be reversed. It was thought that no body of men would dare sit down in the broad light of day, under the eyes of an intelligent community, and falsify the verdict of the ballot-box. But as the proceedings of each day unfolded the evil intent of the next and the wickedness of the final purpose, the blood began to tingle in the veins of honest men, and the tide of wrath rose higher and higher. When the infamy was consummated indignation had reached such a pitch that another tragedy seemed inevitable. But again the bayonet was called for, and again the people were compelled to submit to what reason, conscience, heart, and soul taught them was wrong.

Unexpectedly to the leaders here and elsewhere, the North also was greatly aroused, and Congress felt called upon to send a committee of investigation. This committee, composed of two very able Republicans and one Democrat, was overwhelmed by an array of facts which could neither be answered nor explained away. Their report was exceedingly damaging—altogether too much so to suit the tastes or serve the purposes of the party in power; therefore a second committee, more partisan in spirit and with a desperate determination to make things look right, facts or no facts, was sent. This committee likewise failed to convince itself or anybody else that things were right, and the result was a compromise which acknowledged the evil and made a slight attempt at reparation.

And now we have had another election; it was put through the same old mill, the same hand was upon the crank, the same hand emptied the bag

into the hopper, and again there was the same unsatisfactory grist. The Republicans were beaten—badly beaten. But the Returning Board still lived and there was hope. It was not known that they had experienced any change of heart or been subject to any moral improvement, neither had they lost any of their partisan spirit or brazen defiance of public opinion. The leaders breathed freely, and the knowing ones winked hard, looked wise, and said little above a whisper. The men of the other party looked one another in the face and said, Will the Board dare to tamper with the returns in such a solemn moment as this? Will they dare to count in a defeated candidate for the Presidency as they have counted in defeated candidates for the Legislature? But even before the question was fairly off their lips they mutually answered, "Yes! and they will do it; they will do anything required for the perpetuation of party power." And they have done it.

That there has been a fair and honest count not a dozen honest, intelligent men in the State believe. If you were to ask a Republican politician confidentially whether the counting had been fairly done, he would laugh in your face, shrug his shoulders, and give you a look that implied that you were either a fool or a novice.

A Republican politician said to me not long since, "Our politicians are so bad that the North cannot realize or believe the infamies of our elections." This may account in part for the attempt which has been made at the North to justify these things, but still there is much reason to suspect that the Northern people are wilfully blind, and that partisan spirit has led them into an endorsement of the greatest political infamy of the age.

A HAYES REPUBLICAN.

NEW ORLEANS, December 27, 1876.

Notes.

ROBERTS BROS. will issue in the spring the 'Life and Letters of Charles Sumner,' of which Mr. Edward L. Pierce is the editor. It will make two volumes octavo.—A memoir of the late Gen. W. F. Bartlett will be written by Gen. F. W. Palfrey, of Boston.—Joel Munsell, Albany, announces 'Christopher Marshall's Diary, 1774-1781,' which was kept in Philadelphia and at Lancaster, Pa.—The *Atlantic Monthly* is shortly to admit illustrations to its pages, of a practical kind. Mr. Edward H. Knight, whose remarkable 'American Mechanical Dictionary' has lately been completed, will contribute to the magazine a series of articles on "Crude and Curious Inventions" at the Centennial Exhibition, to which, of course, illustrations will be indispensable. The index to the *Atlantic's* thirty-eight volumes (1857-1876), by the way, has just appeared, following the example of *Harper's* and *Scribner's*. It differs from both these indexes as the magazines differ among themselves, and agrees with *Scribner's* in not being a topical index like *Harper's*. In running over the list of contributors one is struck with what seems the premature retirement of writers still active in other fields. We suppose this accords with the experience of all editors of literary periodicals.—A useful paper by Mr. Samuel S. Green, librarian of the Worcester Public Library, which was read at the Librarians' Convention last October, has been reprinted separately from the general report. It is on "the desirableness of establishing personal intercourse and relations between librarians and readers in popular libraries"—G. P. Putnam's Sons publish at once Lieut.-Col. R. I. Dodge's 'Plains of the Great West,' and have in press the following works: 'The Question of Rest for Women,' by Dr. Mary Putnam Jacobi; 'The Jewks,' a study of crime, pauperism, and disease, by R. L. Dugdale; 'Spinal Paralysis,' by Dr. E. C. Seguin; a 'Classbook in Geology,' by Prof. J. S. Newberry; a new edition of Bastiat's 'Political Economy,' with an introduction by David A. Wells; 'The Childhood of the English People,' by Ella S. Armistage; and 'The New Testament and the Messiah,' by Rev. O. B. Frothingham.—We hasten to relieve Messrs. Jansen, McClurg & Co. of the imputation cast upon them by a typographical error in the setting of their advertisement in a late number of the *Nation*. "Our critic says" was printed for "One critic says"; and although there are houses which appear to keep critics for the public's enlightenment as to the merit of their wares, the Chicago house in question is not one of them.

—Prof. J. D. Butler, of the University of Wisconsin, writes us:

"The Bureau of Education Report on Public Libraries in the United States, says (p. 894): 'The British Patent Reports, numbering about 2000 volumes, which had been given by the British Government to the Chicago 'Young Men's Library, and was burnt in 1871, was the only set in the U.S.' This statement is erroneous. The Historical Society of Wisconsin has such a set in the State Capitol here, and it had received that gift three years before the Chicago fire. For particulars see Wis. Hist. Collections, vol. vi, pp. 11-12."

—The names of Mr. James O. Woodruff, Indianapolis, and Prof. W. L. B. Jenney, Portland Block, Chicago, and J. B. Steere, University of Michigan, Ann Arbor, are affixed to a "preliminary announcement of a scientific expedition around the world" now before us. The project embraces a two years' voyage in a first-class steamship of a thousand tons burden, fitted with saloons for study, lectures, and work, and provided with steam launches and a sufficient armament. The object is to visit points of general and special interest, especially localities nearly or quite unknown to naturalists, to study their architecture, archaeology, and geology, as well as fauna and flora, and also make collections. "The scientific corps will consist of a faculty of ten, now being organized from among the professors of the leading universities." Sixty to eighty students can be accommodated. A physician and surgeon, a chaplain and a photographer will accompany the expedition. The collections will be divided equally between the faculty and the students on the one hand, and the ship on the other. The start will be made from this port July next. The course as now outlined is *via* the Bahamas, Tortugas, and Havana, the mouth of the Amazon, Rio, Montevideo, the Falkland Islands, the Straits of Magellan to Valparaiso (so far, in the track of the *Beagle*); thence to the Polynesian Islands, Australia, New Guinea, Celebes (Macassar), Philippine Islands, Hongkong, Canton, Formosa, Singapore, Malacca, Sumatra and Java, Calcutta, Ceylon, the Laccadive Islands, and Bombay; thence *via* Aden and the Suez Canal to Alexandria, from which point excursions up the Nile and to Palestine are planned, and subsequently to Constantinople, the chief islands of the Mediterranean, the chief cities of Italy, France, and England; and finally home by way of the Azores. "Several of the faculty will be accompanied by their wives or daughters." We have only hinted at the programme, but we have given enough of it to show that it is purely American in its conception. Those desirous of further information in regard to it should address the gentlemen named above.

—It is stated that an effort will be made to insert in the Sundry Civil Service Bill a clause authorizing the President to organize and send out one or more expeditions towards the North Pole, and to establish a temporary exploring colony at some point north of 81° N. lat., on or near the shores of Lady Franklin Bay. This is in furtherance of the scheme of Capt. H. W. Howgate, U.S.N., who proposes, using this colony as a base, to establish other depots from time to time in such manner as to take advantage of the most favorable conditions of the Polar Sea for navigation. The period of exploration contemplated is indefinite, but might embrace several years. On the other hand, Dr. Petermann has taken advantage of the failure (to reach the Pole) of the Nares expedition to advocate afresh his theory of the east coast of Greenland as the best approach to the Pole. His argument, which is addressed to the Royal Geographical Society, is forcible, and backed by the unrivalled learning of the Gotha geographer, but is coldly received in England, where there seems little disposition to prepare the *Alert* and *Discovery* for a fresh expedition by the route indicated. The feasibility of reaching the Pole from some advanced point of land by balloon has been discussed in the English papers, but that this method is at present impracticable is generally confessed. As it is one, however, which would be available for all difficult countries in all latitudes, it would seem economical to spare ships and men for a while and offer international encouragement to the numerous experimenters in aerial navigation, which is no longer regarded as chimerical. A premium for an airship capable of being steered and of maintaining itself for a thousand miles might bring out the invention before which the North and South Poles and the Equator would yield up their mystery. We may add that a copy of the Admiralty map of the discoveries of the late Arctic expedition is given in the *Geographical Magazine* for December (John Wiley & Son).

—The *Atlantic* for January contains a number of good things and some poor ones. Mr. James's story, "The American," which has now reached its eighteenth chapter, has gradually become the familiar feature of the magazine, for which most of its readers from month to month grow impatient, and it is a story which certainly gets more interesting as it goes on. We confess to having had at first a feeling of irritation at being called upon to take an interest in a specimen of a type which, as a type, is, to say the least, not aesthetically attractive. The self-made American, who has suddenly grown rich by "operations" of one kind or another, and has taken himself and his wealth to Europe, is a familiar enough character in literature, but usually the character has been made a comic one, and we have been called upon to laugh at the ridiculous figure cut by our compatriot in the gilded saloons of the effete but critical Europeans, or at his shocking display of ignorance and barbarism as he wanders through "specimen ruins" and "specimen galleries." Mr. James, however, has

placed before himself a very different task. He has undertaken to make use of this same type as a serious character in a love story. Newman, as we understand him, is a man who by means of a God-given talent for making money has, while still a young man, accumulated a great fortune (we confess to a sneaking curiosity as to which side of the market he operated upon), and while being in externals an entirely untrained and unsophisticated person, is possessed of that tact and adaptability to circumstances and refinement of mind which have always been set down as distinguishingly American traits by such unbiassed observers as the English. This man is now taken to France, made to fall in love with a charming French widow, of a family as old and blue-blooded as any in France, filled with and living on the pride of ancestry, ignorant of any world but their own, and looking down with sovereign contempt upon all persons "in trade." It is in this atmosphere of perfectly cold politeness and perfect inanity that our American barbarian lover has to appear to advantage, and to interest the reader. That he does so at all is a striking proof of Mr. James's power as a novelist, and he unquestionably does so a great deal. Of the story as a whole it would be rash to express an opinion till it is completed; but it is safe to say that it is by far the most important contribution to American fiction made for a long time.

—A disciple of Buckle or Taine who desired to trace Norwegian civilization to its cause in the physical conditions of the country, or to race-characteristics conjoined with these, would find some good materials in an article on "Norway and the Norsemen" in the current number of *Scandinavia*, by Mr. Hjalmar H. Boyesen. Here we have a country lying in high latitudes, the northernmost part having an annual mean temperature of 28° Fahrenheit, peninsular in shape, ridged in the middle with a chain of mountains, and penetrated along its entire coast line by arms of the sea which temper the climate and furnish natural high-roads to the population. The country affords a scanty subsistence, and while the difficulty of living and the climate produce a hardy and adventurous race, accustomed to exposure at all times, the land furnishes no scope for the display of these qualities, and the thoughts of the inhabitants naturally turn to the sea. The conformation of the country makes ship-building easy, and the absence of all traffic with foreign countries relieves us from the necessity of considering what might have been the effect of a tariff on materials entering into the construction of ships. The attractiveness of the sea, combined (*pace* Prof. Boyesen) with the unattractiveness of the land, produces the vikings, who conquer Normandy and England, and fill Europe with the terror of their name. Those who remain at home, being, of course, less adventurous spirits of the race, develop themselves in a tamer way, and become the hardy, industrious, simple, frugal, honest people that we know them. In a country in which the greater part of the year has to be spent in wringing subsistence from the soil, and in which the polar night prevails, we should hardly expect a great development of literary tastes, and accordingly we do not find that there is much: on the other hand, it would not be unfair to expect that in a country with such conditions amusements of a sort suited to the popular tastes would be cultivated sedulously. And so we find that music and dancing have reached great perfection. Formerly, Mr. Boyesen observes with a shade of regret, "brawls and even bloody fights were of no rare occurrence" on the occasion of weddings, so that it was said that "wives were in the habit of bringing shrouds for their husbands in their band boxes, counting the chances of their being killed as on the whole predominating." We have not space to make the case as complete as it might be made: but any ingenious person who will take Mr. Boyesen's description of Norse character, habits, and civilization, and ask himself how they were produced by physical conditions, etc., will find that there is no more trouble in arriving at correct results than Taine finds in evolving all English literature from the mingling of the Saxon with the Norman, or than Buckle did in deriving the religion of any given country from its food.

—'Note of an English Republican on the Muscovite Crusade' is the title of a characteristic pamphlet lately put forth by Mr. Swinburne, in reply to the letter on behalf of Russia published by the friends of Mr. Carlyle towards the last of November. Mr. Swinburne in these pages is as hysterical and vociferous as usual: but he has found a better text for his vaticinations than it sometimes befalls him to do. The burden of his discourse is that the Turks may be great brutes, despoilers, and murderers, but who and what is Mr. Carlyle that he comes down on them for it? Mr. Swinburne charges the panegyrist of "Frederick the Second" with the grossest inconsistency, and makes good his case, in his own fashion, by a pamphletful of that ingeniously furious rhetoric which at the end of a sentence seems masterly, and at the end of a page puerile. Mr. Carlyle has never stood

forward for any of the oppressed of the earth, or advocated liberty for any person or class; he has, on the contrary, praised to the skies that rule of unscrupulous force for which it should be the privilege of a feeble order of sentimentalists to summon the Turk to a reckoning. This is an honor which Mr. Carlyle has logically forfeited, and the impropriety of his conduct must be pointed out. "His innate loathing of the mere word [liberty] is too ungovernable an appetite to be suppressed or disguised for an instant." What, therefore, "is the peculiar sanctifying quality in the Bulgarian which is to exempt him at need from the good office of 'beneficent whip' and 'portable gallows'?" "The Bashi-Bazuks," Mr. Swinburne continues, "are shamefully and incredibly maligned, if they have earned no right to claim fellowship with the torturers, the hangmen, and the women-whippers of Hungary, of Poland, and of Jamaica." And he goes on to say, with a very Swinburnian touch, that no man can doubt on which side or to what effect Mr. Carlyle's "potent voice would have been lifted at its utmost pitch before the throne of Herod or the judgment-seat of Pilate. No tetrarch or proconsul, no Mouravieff or Eyre of them all would have been swifter to inflict or louder to invoke the sentence of beneficent whip, the doom of beneficent gallows, on the Communist and stump-orator of Nazareth." Mr. Swinburne considers the Russians no better than the Turks, and entertains an ineffable mistrust for the good intentions of the Czar, whom to call "honest," as Mr. Carlyle does, is to be fooled as *Othello* was by honest *Iago*. As to Mr. Carlyle's saying that after the Bulgarians have been righted the Russians will leave the "peaceful Mongol inhabitants" in tranquillity, Mr. Swinburne affirms that the author of "Sartor Resartus" "has shown himself always the greatest and sometimes the uncleanliest of all great English humorists since Swift; but the grossly indecent irony of this hideous jest might have disconcerted Aristophanes and made Rabelais think twice." That may be called talking. Mr. Swinburne is of the same way of thinking as what may be termed the English literary radicals generally as to the propriety of the oppressors of Bulgaria being chastised by the oppressors of Poland. They enquire, "Quis custodiet ipsos custodes?" This sentiment is expressed in a noticeable article by Mr. Frederick Harrison in the *Fortnightly Review* for December. Mr. Swinburne draws up with his usual *chiaroscuro* a "lurid" indictment of the Russian Imperial House, which he compares to that of Atreus, and declares it smells too much of blood to be accepted in a redemptive capacity. As for the attack on Mr. Carlyle's consistency it was pertinent enough to have been made in a less thunderous style of irony.

—Prof. Reuleaux's sweeping censure of German industry in the light of the Philadelphia Exhibition has elicited a very temperate rejoinder from Herr H. Heine, an engineer who spent eight years in this country in mechanical pursuits which gave him an experience of our best machine-shops, and a good insight into our system of mechanical training and the causes of our mechanical superiority. He reproaches Prof. Reuleaux with having judged his countrymen, on the one hand, simply by their accidental entries at the Exhibition, and, on the other, from much too limited observation of American industries. He meets the charge of chauvinism brought against the sending over of Krupp's guns, for example, by pointing to the ordnance exhibit of the U. S. Government, and sets up the general defence that the Exhibition was a challenge to the pretensions of the United States "as the best country in the world." Herr Heine next enumerates the particulars in which German machinery and manufactures must yield to American, and those in which they excel ours. Their superiority he finds manifest in heavy machine and tool-building, as in almost all forms of steam machinery, like stationary engines, wafer-works and foundry and rolling-mill apparatus; in locomotives and steamships—a list which will not be conceded by our iron-masters and machinists without dispute. In the wholesale production of articles for which there is a general and constant demand he gives the palm to American manufacturers. The specialization which distinguishes it he attributes to our cheap and fostering patent-system. Other favorable conditions which he enumerates are the coal, iron, and wood resources of the country (the qualities of hickory call for special comment); the abundance of labor at the command of the manufacturer, with the dearth of it in the agricultural regions—prompting to the invention of labor-saving machinery; the monopoly which our tariff secures, the broad expanse of our territory, etc. Herr Heine concludes his sketch with a criticism of German technological schools, which, in striking contrast with the schools of mining, attract almost no English or American students. His observations on this head are summed up by saying that the Americans lay a practical foundation for subsequent scientific training, while the Germans waste precious years in reversing this process; and he acutely remarks that with us the superintendent or the manufacturer stands, as regards practical development, on

the level of the humblest workman: ("Dort steht der Beamte oder der Fabrikant mit dem geringsten Arbeiter auf dem gleichen Boden einer praktischen Entwicklung")—reason enough, we may add, for the inventiveness of American artisans, which could scarcely fail of encouragement and recognition under such circumstances.

—We have received the Calendar of the Tokio Kaisai-Gakko or Imperial University for 1876, an interesting volume of 165 pages. This institution, as we learn from the Historical Summary prefixed to it, is twenty years old, having been opened in January, 1857, by the Government of the Tokugawa family for the retainers of that family—an exclusiveness which was soon abandoned. The only language at first taught was the Dutch, but among the first fruits of this university was the publication of an English and Japanese Dictionary. The first foreign teacher employed was a Hollander, Mr. Gratama, Professor of Chemistry (1866). The year 1871 marks another epoch in its history, as the Department of Education was then entirely reorganized. In June, 1875, eleven students were selected from the Kaisai-Gakko to be sent abroad for further study. In September of the same year but one foreign language began to be employed for the purposes of higher education in the University, and that language was the English. Of thirty-five professors and assistant instructors nearly one-half are natives, mostly assistants; seven professors are from America, five from Great Britain, four from France, and two from Germany. The library contains 34,778 volumes, of which 11,703 are in English, 6,798 in Japanese, 6,706 in Dutch, 4,214 in Chinese, 3,233 in French, and 2,124 in German. Nine students have been sent to this country, eight to England, three to France, and one to Germany. In the organization of the University we remark the hospital, under the charge of a competent medical staff. At least once a month the students, their rooms, clothing, and food, are inspected, and in case they receive medical attendance at their rooms or in the hospital they are required to pay one-fourth the cost of the medicines prescribed. Two years of the course are allotted to zoölogy and botany, and the students are employed in making collections of materials to illustrate the natural history of Japan, for the study of which native works are not wanting. A fair beginning of a cabinet in these branches has already been made; other cabinets are expected from Europe. "All the students in the institution are required to read Japanese books, to practice in Japanese composition, and to make translations from English into Japanese. The law students are also required to study Japanese law, and special parts of Chinese law." The final-examination questions of 1876 occupy 67 pages of the calendar. The total number of students, including those sent abroad, is 212. Tokio (68), Ishikawa (23), Kôchi (16), Hiroshima (12), Tsuruga (12), Niigata (11), and Mitsuma (10) furnish the greater number. One hundred and twenty-seven follow technical and scientific courses.

STANLEY'S JEWISH CHURCH.*

DEAN STANLEY is a didactic historian or an historical moralist. His sermons, his pamphlets, his lectures, or his speeches all bear the same stamp. They are all attempts, some of them most successful attempts, to advocate with all the arts of honest rhetoric the moral doctrines of what in England is known as the Broad Church. This fact must be borne in mind by every critic who wishes fairly to estimate the value of the Dean of Westminster's historical works. That they are all written with a conscious or unconscious didactic purpose is patent, but there is some danger lest a perception of this fact should blind the eyes of students to the Dean's remarkable gifts as an historian. There is no living English writer who can with equal ease and power amass together a body of small facts so as to form a really vivid picture of a great historical place, or scene, or era. The chapter, for instance, on Babylon constitutes as fine a specimen of historical painting as is to be found in the pages of any history written in the English language. The description of the Golden City, its society, its worship, its temples, brought as it is into contrast with the condition of the little band of Israelites residing there during the Babylonian captivity, gives life to a portion of history which, though well known to every careful reader of the Bible, has become, partly because of familiarity with the words of the document in which it is contained, a mere blank to the imagination of most English-speaking men and women.

To give new life to familiar terms is admittedly one of the highest feats of imaginative genius, and this feat Dean Stanley indubitably performs. Whoever doubts this should read the first two chapters of the present volume of lectures, and then ask himself whether the fall of Babylon has

* Lectures on the History of the Jewish Church. By A. P. Stanley, D.D., Dean of Westminster. Third Series. From the Captivity to the Christian Era. London: John Murray; New York: Scribner, Armstrong & Co. 1876.

not become to him for the first time as real an event as the death of Caesar or the capture of the Bastille. Nor is this result produced simply by pictorial effects. The author of the 'Lectures on the Jewish Church' is a "picturesque" writer; but this quality of picturesqueness is apt to be dwelt upon in a way which tends most unfairly to represent him as mainly an adept in what (in the literary slang of the day) is called "word-painting," and to conceal his far more important gifts. The chief of these gifts is the power of seizing the critical points in the character either of an age or of an individual. It is not only Babylon itself, but the essential importance of the crisis in the progress of mankind involved in the fall of Babylon, which the Dean brings before our minds. Readers see, probably for the first time, the true character of the era when the Persian stood forward for a short time as the "central man of the world." Here the Dean of Westminster displays his capacity for seizing the features of an epoch. The sketches of Socrates, of Herod, of Antiochus Epiphanes display his capacity for seizing the salient points of individual character. We do not, of course, assert that the view taken by Stanley of historical personages is one in which all the world will agree. Influenced by the views of Dr. Arnold, he pays a tribute to the imagined virtues of Pompey which nothing in the life of that commonplace general justifies. Pompey's merits and talents have been underrated by the modern adulators of Caesar, but it is difficult to believe that he was "one whose clean hands and pure heart, compared with most of the contemporary chiefs, David would have regarded as no disqualification for a dweller on God's Holy Hill." Still, even in this case much is gained by having presented to one's mind a clear if not altogether satisfactory view of a man who certainly appeared great to his contemporaries.

The picture, however, of Antiochus Epiphanes is a more satisfactory portrait, and the suggestion that his violent attempts to introduce Greek civilization into Judea have a faint resemblance to the efforts of Peter the Great to force his subjects into the path of progress, displays one peculiarity of the Dean's method which, though sometimes exaggerated into a weakness, certainly contributes not only to the popularity but to the legitimate influence of his works. No writer, except Macaulay, ever rejoiced so much as the author of the 'Jewish Church' in illustrations. He is never satisfied with describing any event or character until he has compared it with some other event or character belonging to a different time or country. These illustrations or parallels are often extremely happy. The comparison, for example, between Socrates and the Jewish prophets is, as it is used by Dean Stanley, extremely suggestive, and suggestive (as such parallels always are) as well of contrasts as of similarities. The hypothesis that the use of Chaldean characters for the sacred books probably originated in the desire to have an additional mark of distinction from the Samaritans, as the English pronunciation of Latin is said to have been suggested or confirmed by the wish to make an additional test to detect the Roman conspiracies against the Protestant sovereigns, is one of those suppositions which, whatever its intrinsic worth, bring to mind the way in which the uniformity of human nature is constantly producing accidental parallelisms in the annals of different countries. A comparison almost inevitably suggests a contrast. The author himself is careful, for example, to point out the essential difference between a royal revolutionist who, like Antiochus, attempts to destroy a national faith and national patriotism, and a royal revolutionist, like Peter the Great, who attempts to direct his countrymen towards a higher civilization. Still, there is a real gain to ordinary readers in being forced to notice the "union in both cases of lofty policy with petty buffoonery, and of high aspirations with small vexations." The gain is at least this, that students are led to feel that Antiochus was once as real a human being as Peter the Great. It is something also that they should be reminded that human eccentricity and humor are not in reality absent from any portion of history. This capacity, indeed, to appreciate the humor of history, is one of those subtle gifts which ought never to be entirely wanting in a great writer, and which certainly gives a flavor to all Dean Stanley's writings. What he possesses himself he vividly appreciates and lavishly acknowledges in others. The note in which he directs attention to the address by Mr. Collyer of Chicago on the words "Gashmu saith it," probably the only sermon ever preached on the wild Arab, is a small but curious illustration of his keen taste for "quaint humor and wisdom" which, like his own, serves to give interest and life to the teaching of a preacher.

For though Dean Stanley has many historical gifts he is rather a moralist who teaches historically than an historian. In all his work you can trace an influence which he certainly would be the last to disclaim. Though the quality of his writing is very unlike that of Dr. Arnold, still the impress of Arnold's character on the most eminent of his pupils is unmistakable.

Neither the head-master nor the Dean has about him the least touch of what is termed priestliness, but both of them are preachers. While engaged in the study and exposition of history, they are each occupied, in part at least, with the moral conclusions which history suggests. This peculiarity, viewed on its favorable side, has been described as writing with "a view to edification," and it cannot for a moment be doubted that all Dean Stanley's writings are (in the good sense of the word) edifying. A preacher who dwells, in season and even occasionally out of season, on the virtues of justice, of liberality, of charity, and of truth; who never, even for a moment, is led by the love of paradox to worship successful force, or to cast contempt on virtue when apparently failing to command success, can hardly fail to exercise, as Dean Stanley certainly does exercise, an elevating influence not only on contemporary morals, but on the moral treatment of history. When to this is added a singular power for perceiving and displaying to others the virtues of men who belong to different schools and different ages, and of embodying their character in traits and anecdotes full of point and interest, it cannot be wondered that the teacher not only improves but, what is far rarer, interests his audience. We are fully convinced that if the didactic element in the Dean's lectures were deducted, they would to the mass of readers lose half their attractiveness.

We are anxious to make this admission in the fullest terms, because we are forced, as honest critics, to state that, in our judgment, the very element in Dean Stanley's lectures which more than any other gives them their popular influence constitutes their weak point. They lose as history what they gain as sermons. The investigation and narration of facts are one thing, the drawing morals from facts is another, and it may be doubted whether the two ends can be satisfactorily combined. The evil effects which, in the case of the 'Lectures on the Jewish Church,' result from this combination are twofold. The first is that the history is impeded by the moral, and the moral itself is from time to time overstrained. The word "God" is, for example, never mentioned in the Book of Esther. The omission is certainly remarkable, but the absence of this name does not naturally suggest the inference that "it is expedient for us . . . that there should be one book which omits it altogether to prevent us from attaching to the mere name a reverence which belongs only to the reality." Nor, again, can we perceive that the scruple among the Jews in mentioning "the Ineffable Name" has any bearing either for good or bad upon "the reserve of sceptical enquirers," or "the adoption" by them "of other forms and phrases than those in common use for the supreme goodness and wisdom in whose power we live and move and have our being."

The second evil result is a tendency to look upon facts as in one sense unimportant. It would seem, for example, that the date of the Book of Daniel is as material a fact, from an historical point of view, as any which can claim consideration, but the Dean of Westminster appears to hold that its date may be left an open question. He with perfect openness avows, if we understand him rightly, his own inclination towards the later date, but still appears to think that the question of date is one not of vital importance. The argument that "the events of the Thirty Years' War remain unquestionably part of the history of the seventeenth century, though they have been described and colored by the genius and passion of Schiller, who lived more than a hundred years afterwards," does not carry the matter far. If it were alleged that Schiller wrote during the Thirty Years' War; still more, if it were believed that Schiller wrote prophetically a century or two before the war broke out, an historian of the seventeenth century would be called upon to make up his mind one way or the other as to the date of Schiller's life. He certainly could scarcely maintain that the work might be treated equally well either as prophecy or history. Thus to treat the question of date is, in fact, to confound the functions of a preacher and of an historian.

Our cordial admiration for the Dean of Westminster's gifts, both as an historian and as a teacher, has itself made it a duty to point out what, in our judgment, is the weak side of historical writings, but it must always be remembered that to point out defects in a good work is a different thing from denying that a work is good. The 'Lectures on the Jewish Church' is a book such as no other English writer could produce. Authors who deal with Jewish history have to handle a subject which is at once familiar, and yet in reality unknown, to readers who have been accustomed habitually to read without really (from an historical point of view) understanding the Bible. The writer has, therefore, to struggle at once with familiarity and with ignorance. In the latter part, indeed, of Dean Stanley's volume this particular difficulty is removed, since the Apocrypha is an unknown book to millions of Englishmen and Americans; but if one difficulty is removed, the new difficulty arises in its place of teaching ordinary readers

to realize that centuries elapsed between the end of the Old and the beginning of the New Testament.

With these obstacles and many others the Dean of Westminster has struggled with marvellous success. He has placed before Englishmen a connected view of Jewish history which presents to them that history down to the coming of Christ as a whole. He has presented it in a form in which it can be read and understood by thousands. That it will be read far and wide is un doubted. To have achieved this result is a feat of no common merit. Even from a merely historical point of view, it is an immense gain that the English speaking world should read the Bible as a book not only of devotion, but of history. A critic who perceives how much has been achieved may regret that the Dean's genius as a preacher should interfere with his efficiency as an historian, but can hardly censure severely striking historical lectures because they are blended with striking moral essays.

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